

respectfully submitted that a search of the Group 1 claims (drawn to, *inter alia*, polynucleotides and polypeptides would, of necessity, include a search of the Group 6 claims (drawn to the antibodies). Likewise, a search of the Group 2 claims – claims 1-12, and 14 as defined by SEQ ID NO:4 would, of necessity, include a search of the Group 6 claim – drawn to an antibody specific or the amino acid sequence of SEQ ID NO:4. The arguments are proffered for the protein of SEQ ID NO: 6, 8 and 10 and the corresponding antibody specific thereto -- Groups 3 through 5.

As such, no savings of PTO resources will be achieved by enforcing the restriction requirement presently asserted. Accordingly, reconsideration and withdrawal of the requirement for restriction and/or regrouping of the claims, e.g. by combining any one of Groups 1-5 with the Group 6 claim.

In order to be fully responsive, Applicants elect the invention defined by the Group 1 claims (i.e., claims 1-12 and 14) without prejudice to the prosecution of the non-elected claims in a related patent application.


Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144. Favorable reconsideration of the Restriction requirement is respectfully requested.

It is believed that the claims are in a condition for allowance and a notice to that effect is earnestly solicited.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

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